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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/094,052 06/09/98 JONES

P 47513

EXAMINER

MM22/1223

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BOSTON MA 02109

NGUYEN, T

ART UNIT

PAPER NUMBER

2872

DATE MAILED:

12/23/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/094,052

Applicant(s)

Peter W.J. Jones

Examiner

Thong Q. Nguyen

Group Art Unit

2872

☒ Responsive to communication(s) filed on Jun 17, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-10 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-10 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Oath/Declaration

The objection to the verified Statement Claiming Small entity Status as set forth in the previous Office action (Paper No. 2, page 2) is repeated. *It is noted that applicant has not provided a new verified Statement Claiming Small entity Status or provided any explanation to overcome the objection in the Amendment filed on 06/17/99.*

Drawings

The objections to the drawings as set forth in the previous Office action (Paper No. 2, page 2, elements 2 and 4) are repeated. In other words, first, the drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the feature concerning the field goggles as recited in claims 4, 5 and 9 must be shown or the feature canceled from the claims; and second, the drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: In particular, the numerical reference "12" as stated in the specification at page 2 (line 24) is not shown in at least one figure.

It is noted that applicant has not provided any amendment or explanation in the Amendment filed on 06/17/99 to overcome the objections to the drawings.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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Claims 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones (U.S. Patent No. 4,929,055, of record).

See the rejection as set forth in the previous Office action (Paper No. 2, page 5).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-5, 7 and 10, as best as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (U.S. Patent No. 4,929,055) in view of Softly (U.S. Patent No. 4,365,866) (both of record).

Jones discloses an apparatus for use with an optical device having an objective lens group ^{with vision devices} such as a binocular device, a telescope, a periscope, ^{or a light reflecting surface} wherein the apparatus comprises a set of concentric circular vanes for the purpose of reducing the reflection of light incident on the lens surface of the objective lens group, ^{with scope or the like. where the opt. is} wherein each vane has a first end disposed near the lens, and a second end disposed away from the first end. It is also noted that a combination of concentric circular vanes and radial vanes is disclosed by Jones as can be seen at column 5 and shown in fig. 9. While Jones does not clearly state the apparatus is mounted on a field goggle; however, such a feature is inherent from the Jones' teaching ^{while still maintaining a substantially wide FOV.} because at column 1 he states that the apparatus can be used by a battlefield troop in a night time. ^{in the form of a night vision device} See Jones, columns 1 and 3-4 and figs. 1 and 8-9, for example. The only feature missing from the Jones reference is that he does not teach that the first ends of the concentric circular vanes are positioned closer to each other with respect to the

^(spaced apart from each other at ... each other claim 13 plus)
 John also teaches that the lobular vane has a length-to-width ratio which is equal to or different from the length-to-width ratio of the field of view (columns 2, 3-4, claims 1, 13, for scope)

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rearrangement of the lobular vanes
as suggested by Jones himself as can be seen in column 5 (lms 35-52).
second ends of the vanes; however, such a structure of vanes is disclosed in the art as can be seen in the optical apparatus provided by Softly. In particular, in the system having a monitor screen (11), a camera (32) which as understood is an optical device having an objective lens, and an apparatus comprising a plurality of vanes/slats (21), each has a first end and a second end wherein the ends of the apparatus facing the camera are positioned closer to each other with respect to the ends facing the monitor screen. Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify the optical apparatus having a plurality of concentric circular vanes in combination with radial vanes as provided by Jones by rearranging the ends facing the lens surface of an optical lens of the vanes closer to each other with respect to the opposite ends of the vanes as suggested by Softly for the purpose of increasing the reduction of reflected light.

2. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (U.S. Patent No. 4,929,055) in view of Softly (U.S. Patent No. 4,365,866) (both of record)..

The combined product as provided by Jones and Softly as described above meets all of the limitations of the device as claimed in claim 6 except the arrangement of the ends of the vane means. In other words, the combined product does not state that the first ends of the vane means are arranged further from each other than the second ends of the vane means. However, such a feature is merely that of a preferred embodiment and no criticality has been disclosed. The support for this conclusion is found in the present specification in which applicant has admitted that the first ends are arranged so that they are closer to each other than the second ends. It is also noted

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that the feature concerning the arrangement of the first ends closer to each other than the second ends is indeed claimed as can be seen in the present claim 10. Thus, absent any showing of criticality, it would have been obvious to one skilled in the art at the time the invention was made to modify the arrangement of the ends of the vane means including the arrangement in which the first ends are closer to each other with respect to the second ends for the purpose of meeting a particular design while still maintaining the function of reduction reflected light.

Response to Arguments

Applicant's arguments filed on 06/17/99 have been fully considered but they are not persuasive.

A) With regard to the rejection of claims 8-9 under 35 USC 102(b) over the Jones, applicant's arguments thereof "Applicant respectfully submits that...over Jones" (Amendment, Paper No. 6, page 4, last two paragraph). The Examiner respectfully disagrees with the applicant's viewpoints for the following reasons: First, while the claim refers to an optical lens having a substantially wide field of view (see lines 3-4); however, the claim does not provide any specific limitations for the feature concerning the so-called "wide field of view" of the optical lens. With regard to applicant's arguments concerning the dimensions or the length-to-width ratio of the tubes, applicant should note that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In this case, the The claim does not recite any feature concerning the tubes or the dimensions of the tubes or the so-called "length-to-width

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ratio” of the tubes as stated in the applicant’s arguments. The use of an optical lens with a wide field of view is considered as that disclosed by Jones, and the use of a vane means for limiting the reflection wherein the vane means is disposed proximately the entrance surface of the optical lens is also disclosed by Jones. As such, the device as claimed without any specific limitations concerning the so-called “wide field of view” feature and the dimensions or the length-to-width ratio feature does not have any distinguished features with respect to the device of Jones.

B) With regard to the rejection of claims 1-5 and 7, now to claims 1-5, 7 and 11, under 35 USC 103(a) over the combination of Jones and Softy, applicant’s arguments as provided in the Amendment (Paper No. 6, pages 5-6 have been fully considered but they are not persuasive for the following reasons. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the use of a vane means disposed proximately to a surface of an optical lens is clearly disclosed by Jones, and the use of a vane means having slats disposed near to a surface of an optical element wherein the distance between two ends of two adjacent slats is different from the distance between the two other ends of the two adjacent slats is suggested to one skilled in the art as can be seen in the device provided by softy. See columns 1-2 and figs. 2-4. Softy has stated

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that the inclination of the slats is for the purpose of improving the image contrast on a display. As such, it is known to one skilled in the art that the image contrast formed by the light of the surround environment is caused by reflections; therefore, an inclination of the slats as suggested by Softy will reduce the reflections as well as the harmful light which otherwise effects to the formation of the image. Thus, it would have been obvious to one skilled in the art to look into the optical field to utilize any suitable components or techniques during the time (s)he makes/designs an optical device for the purpose of obtaining a device with optimal performance. Since the technique of arrangement of the slats as suggested by Softy will result a reduction in light reflection, it is not understood how one skilled in the art cannot apply/utilize such a technique in an optical device with a requirement of elimination/reduction glare or unharmful light caused by light reflection.

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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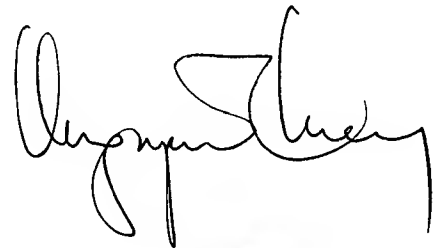
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exam. Nguyen whose telephone number is (703) 308-4814. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722 (or 7724).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Nguyen

12/21/99

A handwritten signature in black ink, appearing to read 'Thong Nguyen', with a stylized, cursive script.

Thong Nguyen
Primary Examiner